



January 28, 2005

## SENATE BILL No. 158

DIGEST OF SB 158 (Updated January 25, 2005 11:19 am - DI ta)

**Citations Affected:** IC 35-38.

**Synopsis:** Home detention. Allows a court to place an offender who resides in a county adjacent to the sentencing county on home detention in the county where the offender resides if the offender is supervised by a community corrections program or probation department located in the sentencing county. Permits a court to place an offender who resides in a county that is not adjacent to the sentencing county on home detention in the county where the offender resides if the offender: (1) is eligible for home detention in the county in which the offender resides; and (2) will be supervised by a community corrections program or probation department in the county in which the offender resides.

**Effective:** July 1, 2005.

**Gard**

January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.

January 27, 2005, amended; reassigned to Committee on Corrections, Criminal, and Civil Matters.

C  
o  
p  
y

SB 158—LS 6828/DI 13+



January 28, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 158

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-38-2.5-5.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) A court may not  
3 place an offender who resides in a different county on home detention  
4 ~~unless:~~ **in the county in which the offender resides except as**  
5 **follows:**

6 (1) ~~the offender is eligible for home detention in the county in~~  
7 ~~which the person resides; and~~

8 (1) **If the offender resides in a county adjacent to the county**  
9 **in which the sentencing court is located, supervision of the**  
10 **offender must be conducted by the probation department or**  
11 **community corrections program located in the county in**  
12 **which the sentencing court is located.**

13 (2) **If the offender resides in a county that is not adjacent to**  
14 **the county in which the sentencing court is located:**

15 (A) **the offender must be eligible for home detention in the**  
16 **county in which the offender resides; and**

17 (B) **supervision of the offender will must be conducted by the**



SB 158—LS 6828/DI 13+

C  
o  
p  
y

1           probation department or community corrections program  
2           located in the county in which the offender resides.  
3       ~~(b)~~ If an offender is:  
4           (1) currently serving home detention in a county that operates a  
5           home detention program; and  
6           (2) being supervised by a probation department or community  
7           corrections program located in a different county;  
8       the court shall order that supervision of the offender be transferred to  
9       the probation department or community corrections program located in  
10      the county where the offender resides.  
11      ~~(c)~~ **(b)** All home detention fees described in section 8 of this chapter  
12      shall be collected by the probation department or community  
13      corrections program that supervises the offender.  
14      **(c) A probation department or community corrections program**  
15      **that supervises an offender on home detention is responsible for**  
16      **the expenses of the supervision.**

C  
o  
p  
y



## COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 158, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.

(Reference is to SB 158 as introduced.)

GARTON, Chairperson

C  
o  
p  
y

